

ADVISORY OPINION 93-026

Any advisory opinion rendered by the registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is required. KRS 121. 135(4).

November 10, 1993

Mr. William C. Stone
1150 Starks Building
455 South Fourth Avenue
Louisville, Kentucky 40202

Dear Mr. Stone:

Thank you for contacting the Registry. The facts to your question may be stated as follows:

You have volunteered to provide legal services without compensation to the respondents in the matter of Warner v. Melissa Mershon for Sheriff Campaign Fund, KREF 93-326, which is currently pending before the Kentucky Registry of Election Finance. You indicate that the campaign will pay out-of-pocket expenses for your legal services including, but not limited to, postage and copying.

Based on these facts, your question can be stated as follows:

May a lawyer volunteer services for a campaign or candidate under KRS Chapter 121 by performing services related to an official complaint filed with the Registry against the candidate?

The answer to your question is yes. In general, a professional may volunteer services to a campaign where the services are a fundamental need of the campaign. Your question correctly notes that the definitional section, KRS 121.015(7)(a) excludes volunteered services from the definition of the term "contribution." Further, KRS 121.160(6) does not require a campaign to pay a salary to its treasurer, but instead, leaves salary for a treasurer as an option. KRS 121.160(6) clearly contemplates volunteered services by a campaign treasurer. Often, campaign treasurers are certified public accounts or attorneys who volunteer their services to a campaign. Because your client needs to respond to a complaint filed with the Registry against her 1993 candidacy for Jefferson County Sheriff, your services are fundamental to her candidacy.

Please find enclosed a copy of Kentucky Registry of Election Finance Advisory Opinion 93-025. Your question is materially indistinguishable from the enclosed opinion.

This opinion is based upon the course of action outlined in your letter. If you should have any more questions, please give us a call. Thank you.

Sincerely,

Timothy E. Shull
General Counsel

TES/dt